

United States District Court  
For the Northern District of California

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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, No. CR 02-00060 WHA

11 Plaintiff,

12 v.

**ORDER RE PROPOSED TEST**

13 DAMIEN A. NINO,

14 Defendant.

15 \_\_\_\_\_ /  
16 The Court has received Ms. James request that Damien A. Nino, sentenced to 57 months  
17 of custody for possession of child pornography, be required to submit to a penile  
18 plethysmograph test as part of his sex-offender treatment. Mr. Robert Waggener, defense  
19 counsel, requests a hearing. To assist the Court, Ms. James should file a declaration by Dr.  
20 Andrea Shelley as to the efficacy of the penile plethysmograph test and the proposed manner of  
21 application to Mr. Nino. This shall be due February 3, 2006, by noon. Mr. Waggener must file  
22 any objections by February 7 at noon. A hearing shall be at 1:30 p.m., February 9.  
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24 **IT IS SO ORDERED.**

25  
26 Dated: January 27, 2006

*Wm. Alsup*

27  
28 WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE